

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DAVID NORMAN TAYLOR, and
DEBRA LEE TAYLOR;

Case No. 6:18-cv-648-MC

Plaintiffs,
v.

ORDER

GORILLA CAPITAL, INC., JOHN
HELMICK, and CASCADE TITLE, CO.;

Defendants.

MCSHANE, Judge:

In granting defendants' motions for summary judgment, the Court concluded that Helmick and Gorilla Capital, Inc. were entitled to to a reasonable award of attorney fees and costs. *See* ECF No. 54, 6-7. Helmick now moves for taxable costs of \$1,890.45, attorneys' fees of \$44,737.00, and non-taxable costs of \$199.86. ECF No. 57. Gorilla Capital moves for taxable costs of \$1,890.45 and attorneys' fees of \$15,219.79. ECF No. 57. Plaintiffs do not oppose the motions and the time to do so has passed.

The Ninth Circuit applies the "lodestar" method for calculating attorney fees. *Fischer v. SJB-P. D. Inc.*, 214 F.3d 1115, 1119 (9th Cir. 2000). That calculation multiplies a reasonable hourly rate by the number of hours reasonably expended in the litigation. *Id.* (citing *Hensley v. Eckerhart*, 461 U.S. 424, 433, 103 S. Ct. 1933 (1983)). A "strong presumption" exists that the lodestar figure represents a "reasonable fee," and it should therefore only be enhanced or reduced in "rare and exceptional cases." *Pennsylvania v. Del. Valley Citizens' Council for Clean Air*, 478

U.S. 546, 565, 106 S. Ct. 3088, 92 L. Ed. 2d 439 (1986). In determining a reasonable hourly rate, the court looks to prevailing market rates. Prevailing market rates are those that the local legal market would pay for a case of this nature to a lawyer of comparable skill, experience, and reputation to a plaintiff's counsel of record. *Blum v. Stenson*, 465 U.S. 886, 897 (1984). Accordingly, this District uses the Oregon State Bar 2017 Economic Survey as the initial benchmark when reviewing fee petitions. The court reviewed the experience of the attorneys along with their rates, compared those rates to the economic survey, and determines those hourly rates are reasonable.

Additionally, the Court concludes the hours spent are reasonable. Defendants prevailed in part on two motions to dismiss Plaintiffs vigorously opposed each motion and the parties proceeded to discovery, depositions, and a settlement conference. Defendants then prevailed on all outstanding claims at summary judgment. Helmick is awarded attorneys' fees of \$44,737.00 and Gorilla Capital is awarded attorneys' fees of \$15,219.79.

Costs are generally allowed to the prevailing party. Fed. R. Civ. P. 54(d)(1). All of the requested costs are recoverable by the prevailing party. *See* 28 U.S.C. § 1920; 1923; ECF No. 56. Helmick is awarded taxable costs of \$1,890.45 and Gorilla Capital is awarded taxable costs of \$1,890.45. Helmick is awarded non-taxable costs of \$199.86.

IT IS SO ORDERED.

DATED this 31st day of July 2019.

/s/ Michael McShane
Michael McShane
United States District Judge